SOUTHERN DISTRICT OF NEW YORK	X	
ATSUSHI MORI, et al.,	:	
Plaintiffs,	:	<u>ORDER</u> 10 Civ. 6465 (BSJ) (GWG)
-V	:	USDC SDNY
MAMORU SAITO, et al.,	:	DOCUMENT ELECTRONICALLY FILED DOC #:
Defendants.	: X	DATE FILED: 128/10

GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court is in receipt of letters dated December 22 and December 23, 2010 from plaintiffs' counsel and a letter dated December 23, 2010 from counsel for certain defendants.

Plaintiffs' counsel requests an order based on allegations of harassing telephone calls by either defendant Takahito Sakagami or a person allegedly acting under his direction to a relative of two plaintiffs and/or to two "would-be plaintiffs." (It is not alleged that any plaintiffs have been contacted in the last four months.)

The request is devoid of case law or authority and has not been made in accordance with Local Civil Rule 6.1(d), and for that reason alone the Court will not issue any order at this time.

At the same time, the Court notes that an attorney in a civil case may have an ethical obligation in certain circumstances not to contact persons that are known to be represented, or to condone another person or a client's doing so. Separately, there are criminal statutes that bar telephone calls made "in a manner likely to cause annoyance or alarm" where there is an intent to "harass, annoy, threaten or alarm another person." New York Penal Law § 240.30.

Having pointed out these restrictions, the Court assumes this matter will be resolved. This Order is without prejudice to any future application.

This Order is being faxed only to plaintiff's counsel, who is directed to transmit it to any relevant party.

SO ORDERED.

Dated: December 23, 2010 New York, New York

United States Magistrate Judge